HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 11704 of 2007

Dated 13th July 2007

Between:

Khaja Mujeeboddin Qureshi,
Ahmed Nagar, First Lancer,
Hyderabad.

……Petitioner.

and

The Regional Passport Officer, Hyderabad,
Andhra Pradesh.

……..Respondent

HONOURABLE MS JUSTICE G. ROHINI

WRIT PETITION No. 11704 of 2007

ORDER:

The petitioner was issued a passport bearing No.U-385813 on 19.6.1995 which had expired on 18.6.2005. It is stated that while taking steps for getting the passport renewed, it was noticed that the petitioner's date of birth was wrongly mentioned in the passport as 10.3.1971 instead of 19.8.1975. In the circumstances, the petitioner sought correction of his date of birth basing on the secondary school certificate in which the date of birth was mentioned as 19.8.1975. However, the petitioner's application dated 14.5.2007 was rejected by the respondent by memo dated 17.5.2007 asking the petitioner to obtain the Court decree and also calling upon him to explain as to why action should not be taken for suppression of correct date of birth.

I have heard the learned counsel for the petitioner. Despite notice, the respondent did not choose to appear.

It is to be noted that the Government of India, Ministry of external Affairs, issued circular dated 18.4.2001, which reads as under:

> "(a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
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> (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
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> (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali Imran v. Regional Passport Officer, Secunderabad**[1] held that as per the circular dated 18.4.2001, it is permissible to accept the application for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad.**[2]

Accordingly, the Writ Petition is disposed of with a direction to the petitioner to resubmit the application together with the supporting material within a period of two weeks from the date of receipt of this order. On receipt of such application, the respondent shall consider the same and pass appropriate orders in terms of the circular dated 18.4.2001, within a period of four weeks thereof. No costs.

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(G.ROHINI, J)

Dated: 13th July 2007
mrb

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[1] 2003 (3) ALD 625;

[2] 2004 (6) ALD 360.